

December 23rd, 2020**Performance of ZBM Patents & Trademarks in opposition and appeal proceedings before the EPO**

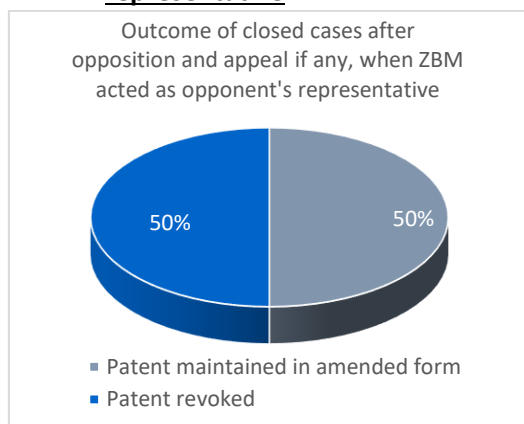
Since the work of oppositions and appeal in the EPO is highly specialized and challenging, we have considered it as being a good indicator of the performance of a patent law firm. Statistics have been prepared with the cases of the Chemistry/Pharma/Biotech ZBM team in the period 2010-2020.

1. Outcome for our clients of cases following an opposition and appeal procedure, if any,

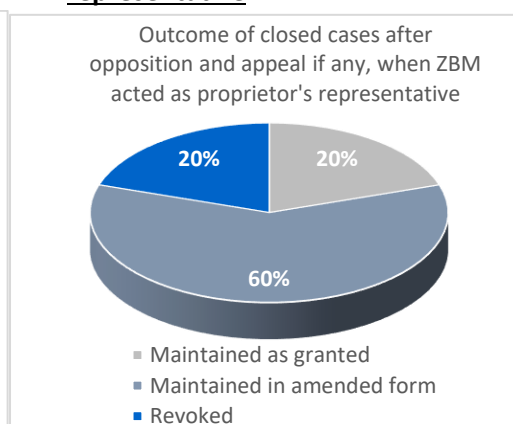
These figures embrace the results of the opposition/appeal cases handled by Chemistry/Pharma/Biotech ZBM team in the specified period, including:

- Opposition cases that followed an appeal procedure with a final decision on the merits issued by the Board of Appeal
- Opposition cases in which we took over the representation in the appeal stage with a final decision on the merits issued by the Board of Appeal
- Opposition cases with a final decision on the merits issued by the Opposition Division when no appeal was filed by any of the parties
- Opposition and appeal cases that were withdrawn at some point of the opposition or the appeal procedure before a final decision on the merits, for instance, because of an agreement between the parties

- **Final outcome of the cases**
ZBM acting as opponent's
representative

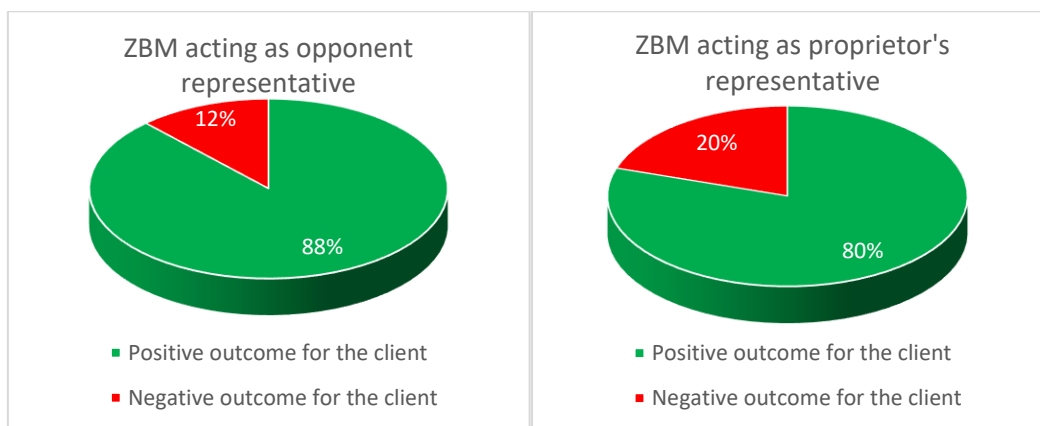


- **Final outcome of the cases**
ZBM acting as proprietor's
representative



- These figures show that when we acted as opponents' representative, no patent was upheld as granted, which means that the opposition was to some extent effective in all the cases.
- When we defended our clients' patents in an opposition procedure, in 20% of the cases the opposed patent was upheld as granted and in 60% of the cases in an amended form.

- **Outcome for our client**



These figures show what the previous results represent for our client:

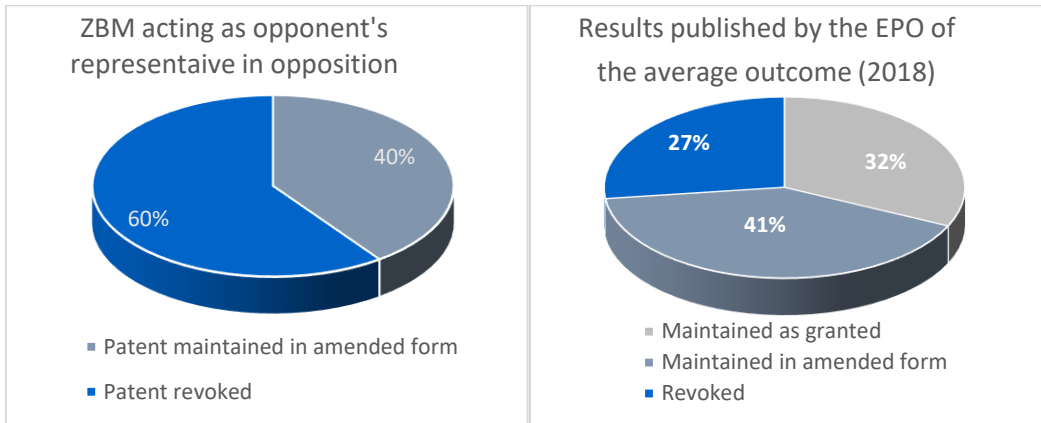
- Patents opposed by our clients: In 88% of the cases following an opposition procedure and an appeal procedure, if any, the patent was either revoked or maintained in amended form in such a way that does not affect the client's interests, fulfilling the client's needs.
- Opposition received against our clients' patents: In 80% of the cases, the patent was kept in force either as granted or in amended form in a way conferring to the client an effective protection to defend the market of interest.

In the next sections we break down the results by those achieved after the opposition procedure and those achieved after the appeal procedure.

1.1. Performance in proceedings before the Opposition Division (OD)

The figures below show ZBM results in the opposition procedure compared to the average outcome published by the EPO (see EPO Annual Report EPO 2018 and Annual Report of the Boards of Appeal 2018).

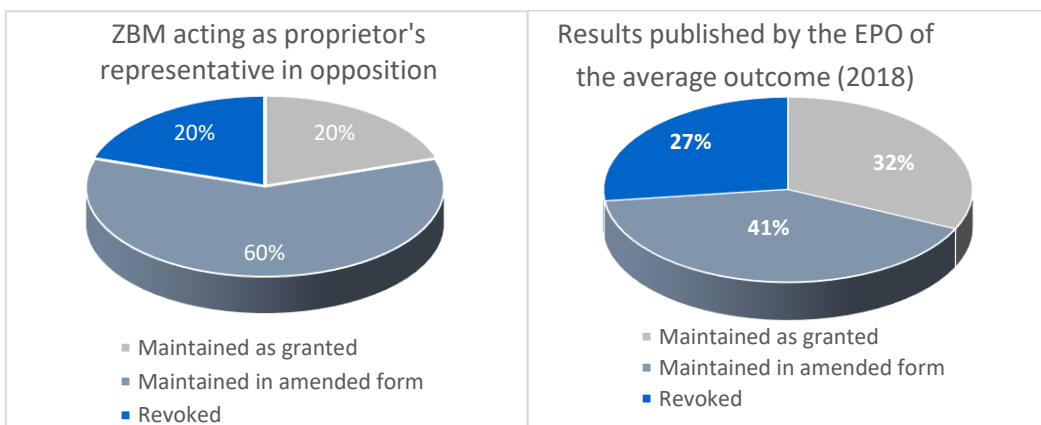
- **ZBM acting as Opponent’s representative**



When we acted as opponent’s representative, no patent was upheld as granted, whereas the average reported by the EPO is 32%. Furthermore, in 60% of the cases handled by ZBM the patent was completely revoked, which represents 33% more than the average reported by the EPO (60% vs. 27%).

In practice, we were able to satisfy the client's needs in 90% of these cases (30% in the case of amended patents + revoked patents), meaning that after the opposition procedure they no longer interfered with the client’s interests.

- **ZBM acting as proprietor’s representative**



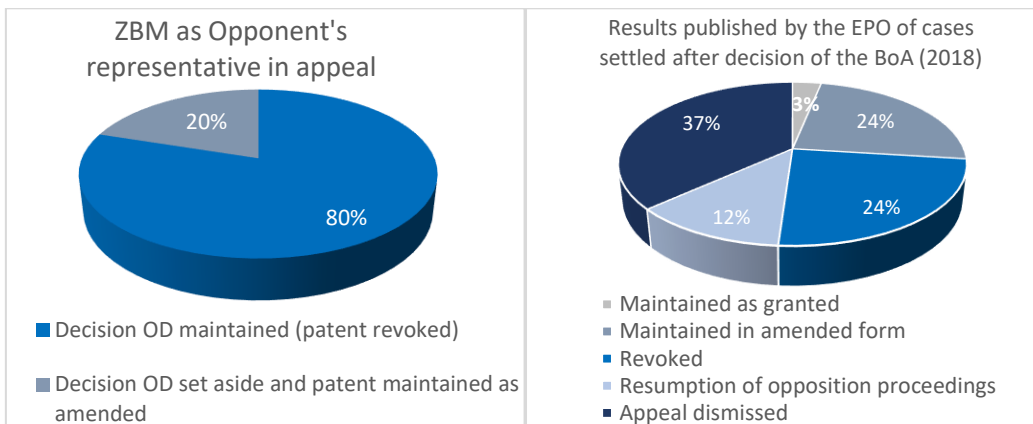
When we acted as proprietor’s representative, in 20% of the cases the patent was upheld as granted and in 60% in an amended form.

This means that in 80% of the cases, we successfully defended the patent, conferring to the client an effective protection to defend the market of interest. This represents in total 7% more patents in force than the average reported by the EPO.

1.2. Performance in proceedings before the technical Boards of Appeal (BoA)

The figures below correspond to the ZBM cases following an appeal initiated by any of the parties in the appeal proceedings, including cases with a decision issued by the technical Boards of Appeal and appeal cases in which the appeal was withdrawn by the other party before a decision was taken.

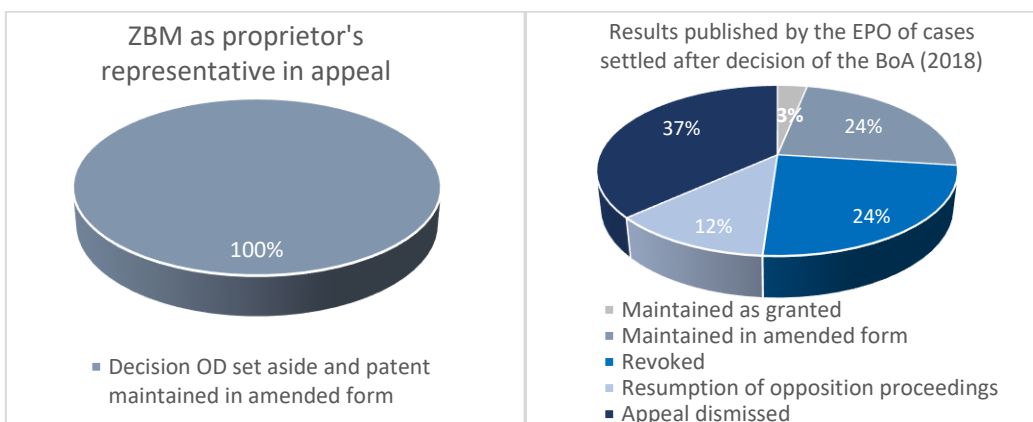
- **ZBM acting as opponent’s representative**



All the cases in which ZBM acted as opponent representative and followed an appeal procedure were cases with a positive outcome in the opposition procedure for our client (revocation of the patent). As can be seen in the figures, in most of the cases (80%), we managed to maintain the revocation decision issued in the first instance before the BoA.

Therefore, our performance before the BoA is considerably much better than the average reported by the EPO, in which only 37% of the cases the Board of appeal confirmed the Decision of the Opposition division (appeal dismissed).

- **ZBM acting as proprietor’s representative**



When defending the proprietor, our client's position in the first instance never worsened in the second instance, on the contrary, it improved. In 100% of the cases, the patents were maintained in force in the second instance.

Additionally, the percentage of patents that were maintained as granted after the opposition procedure (20%) did not subsequently receive an appeal from the other party. This is most likely due to the strength of the arguments used by ZBM to defend the patent.